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Date of Deposit: June 22, 2004

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Attorney Docket No. 15966-557A (Cura 57A)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANTS :** Jeffers, et al.  
**SERIAL NUMBER :** 09/992,840  
**EXAMINER :** Not Yet Assigned  
**FILING DATE :** November 6, 2001  
**ART UNIT :** Not Yet Assigned  
**FOR :** Treatment of Inflammatory Bowel Disease Using Growth Factors

**Mail Stop: Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**PETITION FOR FILING PATENT APPLICATION  
WHEN AN INVENTORS REFUSE TO EXECUTE UNDER 37 C.F.R. § 1.47(a)**

1. Pursuant to 35 U.S.C. § 116 and 37 C.F.R. § 1.47(a), the undersigned hereby petitions to allow each of the signing inventors to make this application on his or her behalf well as on behalf of the non-signing inventor Elma Fernandes. Applicants have attached declarations in support of 37 C.F.R. § 1.47 filing ("Fernandes Declaration") signed by an Administrative Assistant of Intellectual Property of Curagen Corporation for U.S.S.N. 10/403,142, filed March 31, 2003. Applicants also enclose the fee set forth in 37 C.F.R. § 1.16(b).
2. The inventors of the invention claimed in the above-referenced application are Michael Jeffers, Richard Shimkets, Sudhirdas Prayaga, Ferenc Boldog, Meijia Yang, Catherine Burgess, Elma Fernandes, Beth Rittman, Juliette Shimkets, William LaRochelle, and Henri Lichenstein. Co-inventor Elma Fernandes refused to execute the Combined Declaration and Power of Attorney for this application. As required, Applicants enclose herewith copies of counterparts of the Combined Declaration and Power of Attorney form executed by the other co-inventors.
3. CuraGen Corporation employed Elma Fernandes (as well as other co-inventors), at the time the invention claimed in the present application, (U.S.S.N. 09/992,840), which claims priority to USSN 60/246,206, filed 6 November 2000, was conceived and reduced to practice. A copy of a CuraGen Corporation employment agreements executed by Elma Fernandes on November 2, 1998, is attached to this petition. Under this agreement Elma Fernandes is obligated to execute any and all applications for domestic and foreign patents covering inventions conceived, made, or discovered during the course of their employment.

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U.S.S.N.: 09/992,840

4. The accompanying Fernandes Declaration in Support of 37 C.F.R. § 1.47 filing sets forth the pertinent facts demonstrating that CuraGen Corporation has been unable to locate Elma Fernandes after multiple attempts, and therefore she is unavailable to sign any patent applications for her former employer, Curagen Corporation. The Exhibits to the declaration include correspondence between Curagen Corporation and Elma Fernandes about this application (U.S.S.N. 09/992,840 filed November 6, 2001) and the Certified Mail Label of the final attempt on May 20, 2004, to deliver the package to Fernandes.

5. Thus, based upon the record of correspondence to date set forth in the Fernandes Declaration, Elma Fernandes is unavailable to execute the Combined Declaration and Power of Attorney and to make application as joint inventors of the present application, after multiple reasonable efforts to locate her.

6. Under the requirements set forth under 37 C.F.R. § 1.47, the last address of Elma Fernandes known to the undersigned is:

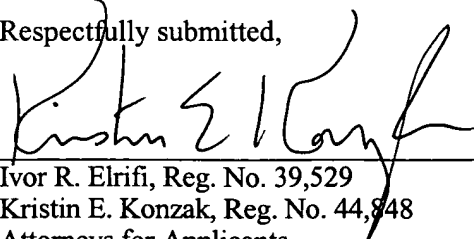
77 Florence Rd. #2B  
Branford, CT 06405

7. Based upon the pertinent facts presented herein and in the Declaration, the undersigned hereby respectfully requests that application for the above-identified invention be made by each of the signing co-inventors on his or her behalf and on the behalf of the nonsigning co-inventor Elma Fernandes. To that end, the undersigned, on behalf of the signing co-inventors, respectfully requests consideration and grant of this petition for filing the patent application by less than all of the co-inventors pursuant to 37 C.F.R. § 1.47(a).

Should the Commissioner have any questions concerning this petition, he is invited to telephone the undersigned at the number provided.

Dated: June 22, 2004

Respectfully submitted,



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